

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Anthony Lavelle Edwards,

Petitioner,

v.

Civil No. 06-1450 (JNE/FLN)
ORDER

State of Minnesota,

Respondent.

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (2000). In a Report and Recommendation dated January 29, 2007, the Honorable Franklin L. Noel, United States Magistrate Judge, recommended that the petition be denied and that this action be dismissed with prejudice. Petitioner objected to the Report and Recommendation. Based on a de novo review of the record, the Court adopts the Report and Recommendation. *See* D. Minn. LR 72.2(b).

An appeal may not be taken from a final order denying a petition under section 2254 without a certificate of appealability (COA). 28 U.S.C. § 2253(c)(1)(A) (2000); Fed. R. App. P. 22(b)(1). Courts cannot grant a COA unless the applicant “has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). For the reasons set forth in the Report and Recommendation, Petitioner’s constitutional rights were not violated. Reasonable jurists would not find this conclusion debatable. Accordingly, Petitioner is not entitled to a COA. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Based on the files, records, and proceedings herein, and for the reasons stated above, IT
IS ORDERED THAT:

1. Petitioner's petition for writ of habeas corpus [Docket No. 1] is DENIED.
2. This action is DISMISSED WITH PREJUDICE.
3. Petitioner is not entitled to a certificate of appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 9, 2007

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge